



Transportation  
Security  
Administration

LABOR MANAGEMENT RELATIONS  
INTERIM GUIDANCE RELATED TO IMPLEMENTING THE 2016 COLLECTIVE  
BARGAINING AGREEMENT

June 8, 2017

1. **PURPOSE:** This document is Interim Guidance for Transportation Security Administration (TSA) management and bargaining unit employees related to implementing the 2016 Collective Bargaining Agreement (2016 CBA), effective December 9, 2016. Several provisions of the CBA remain open pending resolution. This Interim Guidance is to be read and applied in conjunction with the 2016 CBA.
2. **SCOPE:** This Interim Guidance applies to TSA management and bargaining unit employees for the implementation of the 2016 CBA. To the extent that any other TSA policy provision is inconsistent with the 2016 CBA or this Interim Guidance, the 2016 CBA and this Interim Guidance must be followed.
3. **AUTHORITIES:**
  - A. Administrator's August 12, 2016, Determination on Transportation Security Officers and Collective Bargaining.
  - B. Aviation and Transportation Security Act (ATSA), P.L. 107-71 (Nov. 19, 2001).
4. **PROCEDURES:**
  - A. Provisions Related To Article 1: Performance Management Process:
    - (1) [TSA MD 1100.43-4, \*Transportation Officer Performance System\*](#), and any subsequent revisions, as well as this Interim Guidance, provide the TSA procedures for the Transportation Officer Performance System (TOPS) that are not found in the CBA. TSA MD 1100.43-4 and this Interim Guidance will be read in conjunction with the CBA.
    - (2) At the beginning of the appraisal period, the rating official and the BUE will hold a performance planning meeting to discuss all elements of the BUE's performance plan, to include goals, competencies, and expectations. The scale upon which final ratings are based will be provided at the performance planning session.
    - (3) When a BUE remains in his/her current position under the same performance standards but experiences a change in rating official, a new performance plan is not required. The new rating official should review and discuss the performance plan with the employee to ensure that performance expectations are understood.
    - (4) The rating official shall monitor the BUE's performance throughout the rating cycle and communicate with the BUE about his/her performance. Progress reviews will outline measures to correct any performance deficiencies, improve performance that is otherwise acceptable, and recognize high-level performance. Progress reviews may take place at any time during the appraisal period and, with the exception of the mid-cycle review, no

rating scores or levels of performance are assigned. A BUE is encouraged to provide input regarding his/her key results and major accomplishments at each required progress review.

- (5) Management will provide copies of written records of observed deficiencies in a BUE's performance to the BUE in a timely manner. The BUE may submit written rebuttals or explanations.
- (6) At the end of the performance year, TSA will provide to AFGE National Headquarters a report of the rating level distribution by airport.

B. Provisions Related To Article 2: Awards and Recognition Process:

- (1) Awards and recognition categories and criteria are detailed in [TSA Management Directive 1100.45-1, \*Awards and Recognition\*](#), and any subsequent revisions. Management retains the right to add, rescind, or amend awards, award categories, and award criteria.
- (2) Federal Security Directors (FSDs) or their designees may develop and use additional local awards (e.g. "Employee of the Month") and/or means of recognizing BUEs appropriate to their airports (e.g. certificates, plaques).
- (3) TSA will provide the Union with an electronic annual report on the awards program for BUEs which contains the annual awards allocation for each airport and the total expenditure of the awards budget per airport.
- (4) Awards and recognition may not be used as a substitute for overtime pay, promotion, or any other purpose not compatible with the criteria for awards and recognition described in the CBA and in TSA MD 1100.45-1.
- (5) Additional Joint Awards Committee (JAC) Procedures:
  - (a) With the exception of performance awards, the JAC will evaluate awards and recognition nominations for BUEs only and submit recommendations for such awards to the designated management official for final approval. All JAC members are responsible for assuring that recommendations for awards and recognition are based on merit and consistent with criteria set forth in TSA MD 1100.45-1.
  - (b) Management has the discretion to grant awards without conducting a formal nomination process. However, when management grants an award, the awardee(s) will be notified of the management official granting the award and a brief description of the basis for the award.
- (6) When granting a Special Achievement Award, BUEs may request and TSA managers will consider providing the award in the form of time off, in an amount with a cost equivalent to, but not more than, the dollar value of the award.

C. Provisions Related To Article 3: Attendance Management Process:

- (1) There may be indicators of a pattern of sick leave usage that may require a discussion between the BUE and the supervisor when there is repeated and frequent sick leave use for these indicators. [For indicators, please see Article 3.C.2.f.i a-f of the CBA.]
- (2) If the BUE's leave pattern continues [after the discussion indicated in Article 3.C.2.f.ii of the CBA], management may place the BUE on sick leave restriction. If sick leave restriction is imposed, the BUE will be advised in writing that a medical certificate may be required for each subsequent absence for which sick leave is requested.

D. Provisions Related To Article 4: Shift And Annual Leave Bid Process:

(1) Shift Bid Process:

- (a) Management retains the discretion to conduct shift bids more frequently based on operational needs. When management determines that operational needs require an additional bid (e.g. due to a change in airline schedule), the additional bids may be restricted to specific terminals.
- (b) Shift bid lines will include information regarding location (home terminal for airports with more than one terminal), required certifications (dual, passenger, baggage, equipment), type of employee (full-time/part-time), start time, end time, gender, and Regular Day Off (RDO). In airports with more than one terminal, BUEs will have the opportunity to bid in seniority order for their home terminals. Where a variable start time is required, it will be noted on the bid line. If the RDOs are variable, the method of rotation will be noted on the bid line. TSA will determine whether it is operationally feasible to provide information concerning specific checkpoints and baggage locations where such information is not currently included, and will include such information where it determines that it is feasible to do so. Management's determination concerning the operational feasibility of providing for bidding by checkpoint and baggage location will not be subject to challenge as a grievance, a request for review, or any other dispute filed with the National Resolution Center, nor will it trigger any bargaining obligation.
- (c) Assignment to a particular location does not restrict TSA management from moving a BUE to another location based on operational needs. BUEs may be moved to different terminals, checkpoints, baggage locations, or other work areas based on daily operational needs. Any such movement will not be the subject of a grievance, a request for review, or any other dispute filed with the National Resolution Center, nor will it trigger any bargaining obligation.
- (d) Where locations are designated in the bid line, it is acceptable to include bid lines for positions that will "float" from one location to another (i.e., leave relief, Playbook, etc.).

E. Provisions Related To Article 5: Shift Trade Policy:

- (1) Management will generally approve shift trades for BUEs who share the same certification requirements. Certification will impact eligibility when there is a legitimate operational need of such consideration to the relevant shift to be worked.

- (2) BUEs may not work, as a result of a shift trade, more than thirteen (13) hours in a twenty-four (24) hour period, excluding meal periods, and must allow eight (8) hours of rest between shifts.

F. Provisions Related To Article 9: Selection Process For Special Assignments:

(1) Additional Definitions:

- (a) Collateral Duty: A temporary assignment of duties, limited to no more than fifty percent (50%) of a BUE's scheduled work hours. Interested BUEs who volunteer for collateral duties will maintain all their certifications for their positions of record.
- (b) Qualification Requirements: Specific job-related requirements (*e.g.*, certifications (passenger or baggage or equipment) and qualifications (education, license, security clearance) associated with a position that an applicant must possess in order to be assigned to the position. These requirements must be met before the start date of the detail.
- (c) Special Assignment: A voluntary detail of more than thirty (30) days to duties other than those of the position of record. Collateral duties are not considered special assignments. Please also see Article 9.B.6.b of the CBA. Interested BUEs will be selected as set forth in this interim guidance and the CBA.

- (2) Process: When management determines special assignments are necessary for meeting the temporary needs of the Agency's work and/or programs, or for training or BUE development purposes, selection for such special assignments will be made as set forth in this interim guidance and the CBA.

(3) Competitive Selection:

- (a) When not filling a special assignment by seniority, management will competitively fill a special assignment by one of the following methods:
  - (i) Posting a special assignment, developing a best qualified list, and interviewing all of the BUEs on the best qualified list prior to making a selection;
  - (ii) Posting a special assignment, developing a best qualified list and selecting the most senior BUE on the best qualified list without interviewing.

- (4) In addition to the items listed in Article 9.E.4 of the CBA, the internal announcement for competitive selection must include job-related qualification requirements.

G. Provisions Related To Article 13: Matters Solely Within the Control of TSA Management: Communications:

The Parties will jointly select the BUEs of committees, tasks forces, and groups of employees subject to the following conditions: (1) the committees, task forces, and groups of employees should deal only with topics within the scope of bargaining, as defined in the Determination under Section III.B.7; and (2) the Union's privilege of participating in the joint selection of BUEs that serve on committees, task forces, and other employee groups should not extend to any of these aforementioned bodies if the purpose of the body is to deal primarily with

security matters and not with the topics of bargaining listed in Section III.B.7 of the Determination.

Point of Contact: OHC Labor-Management Relations Helpdesk: [unionqueries@tsa.dhs.gov](mailto:unionqueries@tsa.dhs.gov)